IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:09-CR-321-D No. 5:15-CV-42-D

| GREGORY BARTKO, |) |
|---------------------------|---------------|
| Petitioner, |) |
| v. | ORDER |
| UNITED STATES OF AMERICA, |) |
| Respondent. | <i>)</i>) |

Gregory Bartko's ("Bartko") motion for leave to file excess pages [D.E. 293] and to amend/correct his motion under 28 U.S.C. § 2255 [D.E. 305] are GRANTED. Bartko's motion for an extension of time to respond to the government's motion for summary judgment [D.E. 304] is DISMISSED as moot.

The government's motion to strike [D.E. 306] and motion to hold the case in abeyance [D.E. 308] are DENIED. The government's motion to dismiss, or in the alternative motion for summary judgment [D.E. 301], is DISMISSED as moot given that the motion concerns Bartko's original section 2255 motion and not his amended section 2255 motion. The government's motion to extend time to respond or file an appropriate motion in response to Bartko's amended section 2255 motion [D.E. 312] is GRANTED. The government shall have through and including October 30, 2015, to file any such response or motion concerning Bartko's amended section 2255 motion. Bartko may then respond, and the government may reply, in accordance with the local rules.

SO ORDERED. This 16 day of September 2015.

IAMES C. DEVER III

Chief United States District Judge